



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



November 13, 2001

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 01-13**

Robin Rhoades, President  
Polyclad Laminates  
45 Tannery Street  
Franklin, NH 03235

**RE: Polyclad Laminates, 45 Tannery Street, Franklin, NH 03235  
EPA ID No. NHD 099362048**

Dear Mr. Rhoades:

On April 10, 2001, the U.S. Environmental Protection Agency, Region 1 (EPA), as a representative for the Department of Environmental Services (DES), conducted an inspection of Polyclad Laminates, (Polyclad). The purpose of the inspection was to determine Polyclad's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000). The file has been referred to DES by EPA for appropriate action.

As a result of the inspection, the following deficiencies were documented

**1 Env-Wm 509.02(a)(1) - inspection requirements**

At the time of the inspection, Polyclad had not documented the inspections of the hazardous waste storage areas at the facility since October, 2000 for a total of twenty-two (22) weeks.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s). Per 40 CFR 265.15(d), the inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.

DES requests that Polyclad record in an inspection log or summary, inspections of its hazardous waste storage areas. After conducting your first inspection, please submit a copy of the inspection log reporting the results to DES.

## 2. Env-Wm 509.02 (a)(2) – personnel training

A review of Polyclad's personnel training program revealed that some employees responsible for the management of hazardous waste have not received hazardous waste training appropriate for the duties assigned. DES confirmed with Donald Maurer, Polyclad's Director of Corporate Environment, Health and Safety, that hazardous waste handler, Roger Bersaw, had not received initial hazardous waste training.

Env-Wm 509.02 (a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes but is not limited to ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste. Documents and records relating to personnel training must be maintained at the facility.

DES requests that Polyclad conduct and document hazardous waste training and annual reviews for all employees who handle hazardous waste, and maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that will be given to persons filling each hazardous waste related position. DES requests that Polyclad maintain, as part of the program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position. Please submit a copy of this personnel training program to DES. Enclosed please find a suggested outline for training programs that may be used as a guide.

DES believes the deficiencies can be corrected and a report describing the corrective measures taken by Polyclad can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Polyclad, including issuing an order requiring that deficiencies be corrected, initiating another administrative fine proceeding and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed please find the Hazardous Waste Generator RCRA Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information can be obtained from DES's website at <http://www.des.state.nh.us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Nancy Phillips, Waste Management Specialist or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-2457; and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

  
Kenneth W. Marschner, Administrator  
Waste Management Programs

CERTIFIED MAIL # 7099 3400 0002 9773 2028

cc: Donald Maurer, Director of Corporate Environment, Health and Safety  
DB/RCRA/LOD/Archive  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Esq., DES Enforcement Coordinator  
Kenneth Rota, Chief, RCRA Enforcement Unit, EPA Region 1

E mail: JJD, SD/WD, PM/ARD, SD/CO

Enclosure:

- 1) U.S. EPA Memorandum dated June 5, 2001
- 2) Suggested Outline for Personnel Training Records